

PUBLIC CHAPTER NO. 1126

SENATE BILL NO. 2832

By Black, Ford, Marrero, Burks

Substituted for: House Bill No. 4014

By Armstrong, Tindell, Lois DeBerry

AN ACT to amend Tennessee Code Annotated, Title 63 and Title 68, relative to health care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-1-2504, is amended by deleting the section in its entirety and by substituting instead the following:

68-1-2504.

(a) There is established the nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program training requirements, program protocols, program management information systems, and program evaluation requirements shall be based on research-based model programs that have been replicated in multiple, rigorous, randomized clinical trials and in multiple sites that have shown significant reductions in:

(1) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(2) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

(3) The number of subsequent pregnancies by mothers receiving services through the model program;

(4) The receipt of public assistance by mothers receiving services through the model program; and

(5) Criminal activity engaged in by mothers receiving services through the model program and their children. The program shall provide trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in

providing general care for their children and in improving health outcomes for their children. In addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program shall be provided only with the consent of the low-income, first-time mother, and she may refuse further services at any time. The program should be significantly modeled on the national Nurse-Family Partnership program.

(b) The program shall be administered in a community or communities by an entity or entities selected under this part. For the purpose of this pilot program, if the commissioner determines that it is necessary in order to implement a pilot project for the program, then the commissioner is authorized to make a grant or grants without competitive bidding. If selection is made on a competitive basis, any entity that seeks to administer the program shall submit an application to the department as provided in Section 68-1-2506. The entity or entities selected pursuant to Section 68-1-2507 for implementing the project shall be expected to provide services for up to one hundred (100) low-income, first-time mothers in the community in which the entity administers the program. A mother shall be eligible to receive services through the program if she is pregnant with her first child, and her gross annual income does not exceed two hundred percent (200%) of the federal poverty level.

(c) The department may promulgate rules pursuant to Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, rules for the implementation of the program.

(d) Notwithstanding subsection (c), the department may adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 2007, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five (5) years and that it has achieved a reduction in the occurrences specified in subsection (c). Any program so approved shall be exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements, so long as the program continues to demonstrate a reduction in the occurrences specified in subsection (a).

SECTION 2. Tennessee Code Annotated, Section 68-1-2505, is amended by deleting the section in its entirety and by substituting instead the following:

68-1-2505.

(a) The Commissioner of Health shall select the national service organization of the Nurse-Family Partnership program as the health care and services facility with the knowledge and experience necessary to assist the department in selecting entities from among the applications, if any, submitted pursuant to Section 68-1-2506 and in monitoring and

evaluating the implementation of the program in communities throughout the state.

(b) The health care and services facility shall monitor the administration of the program by the selected entities to ensure that the program is implemented according to the program training requirements, program protocols, program management information systems, and program evaluation requirements established by the department. The health care and services facility shall evaluate the overall implementation of the program and include the evaluation, along with any recommendations concerning the selected entities or changes in the program training requirements, program protocols, program management information systems, or program evaluation requirements, in the annual report submitted to the department pursuant to Section 68-1-2508.

(c) The department shall compensate the health care and services facility for the costs incurred in performing its duties under this part. The compensation shall be included in the actual costs incurred by the department in administering the program and paid out of the amount allocated to the department for administrative costs.

SECTION 3. Tennessee Code Annotated, Section 68-1-2506, is amended by deleting the section in its entirety and by substituting instead the following:

68-1-2506.

(a) Any entity that seeks to administer the program in a community pursuant to any competitive bidding process shall submit an application to the department. At a minimum, the application shall specify the basic elements and procedures that the entity shall use in administering the program. Basic program elements shall include, but are not limited to, the following:

(1) The specific training to be received by each nurse employed by the entity to provide home nursing services through the program;

(2) The protocols to be followed by the entity in administering the program;

(3) The management information system to be used by the entity in administering the program;

(4) The reporting and evaluation system to be used by the entity in measuring the effectiveness of the program in assisting low-income, first-time mothers; and

(5) An annual report to both the health care and services facility and the community in which the entity administers the program that reports on the effectiveness within the community

and is written in a manner that is understandable for both the health care and services facility and members of the community.

(b) Any program application submitted to this section shall demonstrate strong, bipartisan public support for and a long-term commitment to operation of the program in the community.

(c) The department shall initially review any applications received pursuant to this section and submit to the health care and services facility for review those applications that include the basic program elements. Following its review, the health care and services facility shall submit to the department the name of the entity or entities that the health care and services facility recommends to administer the program.

SECTION 4. Tennessee Code Annotated, Section 68-1-2507, is amended by deleting the section in its entirety and by substituting instead the following:

68-1-2507.

(a) The department shall select the entities that will administer the program.

(b)(1) The entity or entities selected to operate the program shall receive grants in amounts specified by the department. The grants may include operating costs, including, but not limited to, development of the information management system, necessary to administer the program. The number of entities selected and the number of communities in which the program shall be implemented shall be determined by moneys available in the nurse home visitor program fund created in subdivision (b)(2).

(2) Grants awarded pursuant to subdivision (b)(1) shall be payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", shall consist of moneys appropriated to the fund by the general assembly from general revenue and moneys received from the federal government. Any revenues or moneys deposited in the fund shall remain in the fund until expended for purposes consistent with this part and shall not revert to the general fund on any June 30. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the department for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the department for grants to entities for operation of the program. Notwithstanding any other law, all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 21, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 13th day of June 2008



PHIL BREDESEN, GOVERNOR